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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/902,862	07/10/2001	Travis M. Cossel	10010791-1	1680

7590            05/18/2005

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[REDACTED] EXAMINER

DASTOURI, MEHRDAD

[REDACTED] ART UNIT      [REDACTED] PAPER NUMBER

2623

DATE MAILED: 05/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/902,862	COSSEL, TRAVIS M.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Mehrdad Dastouri	2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on September 2, 2004.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-30 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    - a) All    b) Some \* c) None of:
      1. Certified copies of the priority documents have been received.
      2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
      3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|  | 6) <input type="checkbox"/> Other: _____                                    |

**DETAILED ACTION**

***Response to Amendment***

1. Applicant's amendment filed September 2, 2004, has been entered and made of record.
2. 35 U.S.C. 112 second paragraph rejection of Claim 17 has been withdrawn in view of Applicant's amendment.

***Response to Arguments***

3. Applicant's arguments filed September 2, 2004, have been fully considered but they are not persuasive. Applicant argues in essence that Claim 1 describes a method in which the user's finger is scanned by a scanner of a multifunctional peripheral when the finger is provided in a slot that is provided within a lid that covers an image window of the scanner.

The examiner disagrees and indicates that claim language recites "obtaining a biometric image of the user's finger by scanning the user's finger with the scanner". Claim language does not recite "scanning the user's finger with the scanner of the multifunction peripheral". It is further submitted that "a multifunctional peripheral" is an input device with the capability of performing multiple functions. Consequently, the user interface 30 disclosed by prior art of record (Crawford, GB Patent No. 2331820) is a multifunctional peripheral unit, which is capable of functioning as a keyboard and a fingerprint sensor for the user authentication.

***Claim Objections***

4. Claims 17-20 and 24 are objected to because of the following informalities:

In Line 1 of Claims 17-20, "processor-readable medium" should be corrected to "computer-readable medium".

In Lines 1 and 2 of Claim 24, "processor-readable medium" should be corrected to "computer-readable medium".

In the body of claims, "processor" should be corrected to "computer" for consistency.

Appropriate correction is required.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-3, 6, 9-11, 14, 17-20, 25-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Crawford (GB 2331820).

Regarding Claims 1, 9, 17, 25/26 and 27/28, Crawford discloses receiving a user's finger provided in a lid that covers an image window of a scanner of a multifunction peripheral (Page 1, lines 1-25, 36-38, Page 2, lines 1-11; Figure 1. The user interface 30 is a multifunctional peripheral unit, which is capable of functioning as a keyboard and a fingerprint sensor. The user interface 30 performs the scanning of the finger positioned in the lid that covers its image window.), obtaining a biometric image of the user's finger by scanning the user's finger with the scanner (Page 3, lines 18-21), comparing the biometric image to a biometric key (Page 3, lines 21-23), and

authenticating a user of the multifunction peripheral based on a match between the biometric image and the biometric key (Page 3, lines 23-27). Crawford discloses a fingerprint sensor 40 located on the user interface 30 on the multifunction peripheral to provide easy access for a user (Page 2, lines 4-5). Crawford does not provide details of the fingerprint sensor and does not appear to explicitly depict the sensor including a finger slot. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to provide a finger slot adjacent to an image window in a scanner portion of the multifunction peripheral or a finger slot defined within the cover of a scanner portion of a multifunction peripheral. Applicant has not disclosed that providing a finger slot provides an advantage, is used for a particular purpose, or solves a stated problem. One of ordinary skill in the art, furthermore, would have expected Applicant's invention to perform equally well with the fingerprint sensor disclosed by Crawford or the claimed finger slot because both provide a fingerprint reading in order to identify an authorized user of the multifunction peripheral. Therefore, it would have been obvious to one of ordinary skill in the art to modify Crawford to obtain the invention as specified in Claims 1, 9, 17, 25/26 and 27/28.

Regarding Claims 2, 10 and 19, Crawford discloses distributing storage of each biometric key to a file system of which an originator of the biometric key has control (Page 1, lines 36-37, Page 2, lines 1-11).

Regarding Claims 3, 11, and 18, Crawford discloses prompting the user for entry of a user name to direct retrieval of the biometric key (Page 3, lines 18-27).

Regarding Claims 6, 14, and 20, Crawford discloses basing the storage of biometric on the multifunction peripheral (Figure 1; Page 1, lines 36-37, Page 2, lines 1-11).

7. Claims 8, 16 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Crawford (GB 2331820) as applied to Claims 1, 9 and 27 above, and further in view of Edmonds, III et al. (6,229,908).

Regarding Claims 8, 16 and 29, Crawford discloses a fingerprint sensor 40 located on the user interface 30 on the multifunction peripheral to provide easy access for a user (Page 2, lines 4-5). Crawford does not provide details of the fingerprint sensor and does not appear to recognize the sensor including a resilient shroud within a finger slot. However, Edmonds, III et al. ("Edmonds") discloses including a shroud within a finger slot (Figure 2) of a fingerprint sensor. Crawford and Edmonds are combinable because they are from the same field of endeavor of fingerprint recognition. At the time of the invention, it would have been obvious to one of ordinary skill in the art to modify the fingerprint sensor disclosed by Crawford to include a finger slot with a resilient shroud. The motivation for doing so would have been to prevent the occurrence of noise due to external light thereby increasing the accuracy of the system. Therefore, it would have been obvious to combine Crawford with Edmonds to obtain the invention as specified in Claims 8, 16 and 29.

8. Claims 7, 15, 23 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Crawford (GB 2331820) as applied to Claims 1, 9 and 27 above, and further in view of Houdeau (6,522,773).

Regarding Claims 7, 15 and 30, Crawford discloses a fingerprint sensor 40 located on the user interface 30 on the multifunction peripheral to provide easy access for a user (Page 2, lines 4-5). Crawford does not provide details of the fingerprint sensor and does not appear to recognize the sensor including activating the scanner portion of the multifunction peripheral in response to a sensor detecting the user's finger. However, Houdeau discloses a sensor switch adjacent to a finger slot to activate the sensor (Col. 1, lines 30-35; Col. 3, lines 26-44). Crawford and Houdeau are combinable because they are from the same field of endeavor of fingerprint recognition. At the time of the invention, it would have been obvious to one of ordinary skill in the art to modify the fingerprint sensor disclosed by Crawford to include activating the scanner portion in response. The motivation for doing so would have been for the sake of energy conservation. Therefore, it would have been obvious to combine Crawford with Houdeau to obtain the invention as specified in Claims 7, 15 and 30.

Regarding Claim 23, sensor switches that comprise optical or pressure switch are extremely well known in the art.

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9. Claims 4, 5, 12, and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Crawford (GB 2331820) as applied to Claims 1 and 9 above, and further in view and Stocket ("Securing Data and Financial Transactions").

Regarding Claims 4, 5, 12, and 13, Crawford discloses networking multifunction peripherals (Page 1, lines 8-11), but does not appear to recognize distributing the storage of the biometric keys to workstations or basing the storage on a server. However, Stocket discloses that it is known to distribute the storage of biometric keys to workstations or to store the biometric keys on a server (Pages 399-401; Figure 1). Crawford and Stocket are combinable because they are from the same field of endeavor of fingerprint recognition. At the time of the invention, it would have been obvious to one of ordinary skill in the art to modify the fingerprint recognition disclosed by Crawford to expressly include storing the biometric keys on either the workstations or the server. The motivation for doing so would have been because it is well known in the implementation of ID verification and depends upon the needs of a particular application. Therefore, it would have been obvious to combine Crawford with Stocket to obtain the invention as specified in claims 4, 5, 12, and 13.

10. Claims 21, 22 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Crawford (GB 2331820) as applied to Claims 1, 9 and 17 above, and further in view of Ginter et al (U.S. 6,427,140).

Regarding Claims 21, 22 and 24, Crawford discloses networking multifunction peripherals (Page 1, lines 8-11), but does not appear to disclose retrieving the biometric key from a remote computer via an encrypted communication.

retrieving information (the biometric key) from a remote computer via an encrypted communication is well known in the art as disclosed by Ginter et al.

Ginter et al. disclose a system for secure transaction management wherein the biometric key from a remote computer has been retrieved via an encrypted communication (Column 31, Lines 37-62).

It would have been obvious to a person of ordinary skill in the art to modify Crawford's invention in accordance with the teachings of Ginter to retrieve the biometric key from a remote computer via an encrypted communication because it will increase the system security and will prevent the piracy and unauthorized use of the information.

***Conclusion***

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

***Contact Information***

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mehrdad Dastouri whose telephone number is (571) 272-7418. The examiner can normally be reached on Monday to Friday from 8:00 a.m. to 4:30 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Amelia Au can be reached on (571) 272-7414. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Mehrdad Dastouri  
Primary Examiner  
Art Unit 2623  
May 14, 2005

**MEHRDAD DASTOURI**  
**PRIMARY EXAMINER**

*Mehrdad Dastouri*